

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

MS. CHARLES CANTER, #426-177 *

Plaintiff, *

v. * Civil No. GJH-17-908

STEPHEN T. MOYER, ET AL. *

Defendants. *

* * * * *

**DEFENDANTS' MOTION TO DISMISS, OR,
IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT**

Defendants, Secretary Stephen Moyer, Sharon Baucom, M.D., Randall S. Nero, Bruce Liller, Lauren Beitzel and Assistant Warden Jeff Nines, by undersigned counsel, hereby respectfully move this Court, pursuant to Fed.R.Civ.P. 12 (b)(6) to dismiss Plaintiff's Complaint or, in the alternative, move, pursuant to Fed.R.Civ.P. 56 for summary judgment, and state as follows:

1. Plaintiff's Complaint fails to state a claim against Defendants upon which relief can be granted.
2. There is no genuine dispute of material fact and the Defendants are entitled to summary judgment as a matter of law.

WHEREFORE, for the foregoing reasons and those set forth more fully in the accompanying Memorandum of Law, Declarations and Exhibits, which are incorporated

herein by reference, Defendants respectfully request that this Court dismiss Plaintiff's Complaint, or award them summary judgment.

Respectfully submitted,

BRIAN E. FROSH
Attorney General of Maryland

/s/
STEPHANIE LANE-WEBER
Assistant Attorney General
Federal Bar No. 00023

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of September, 2017, a copy of the foregoing Defendants' Motion to Dismiss or, in the alternative, Motion for Summary Judgment, was mailed, postage prepaid, to:

Charles Canter, #426-177
North Branch Correctional Institution
14100 McMullen Highway, S.W.
Cumberland, Maryland 21502

/s/
STEPHANIE LANE-WEBER
Assistant Attorney General